

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.

DEVINA MARIE NO RUNNER,
Defendant.

CR 03-77-GF-DLC-RKS-01

ORDER

FILED
NOV 21 2013

Clerk, U.S. District Court
District Of Montana
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on October 31, 2013. Defendant admitted she violated the conditions of her supervised release conditions by consuming alcohol. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 9 months with 42 months supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas*

Corp. Commodore Bus. Mach, Inc., 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that she violated the conditions of her supervised release by consuming alcohol. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. A sentence of 9 months is appropriate because Ms. No Runner has repeatedly failed to abide by her conditions of release. In addition, 42 months continued supervised release is appropriate because supervised release will protect the public and encourage Ms. No Runner to resolve her substance abuse problems.

The Court makes one change to Judge Strong's recommendations with regard to Ms. No Runner's conditions of supervised release, in particular, special condition number 4. During Ms. No Runner's period of supervised release, she shall submit her person, residence, place of employment, vehicles, and papers, to a search, with or without a warrant, by any probation officer *based on reasonable suspicion* of contraband or evidence in violation of a condition of release.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 57) are ADOPTED in full, with the one exception noted herein, and Judgment shall be entered accordingly.

Dated this 21st day of November, 2013.



Dana L. Christensen, Chief Judge
United States District Court